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SUBJECT: TIP - UPDATE ON GERMAN EFFORTS TO COMBAT  
TRAFFICKING IN 2007

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Summary  
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¶11. In 2007, Germany's counter-TIP campaigns and awareness raising programs brought together high-level decision makers and NGOs. As a result of strengthened legislation penalizing labor exploitation, NGOs and government officials are starting to focus on improving awareness and counseling in this area. The Federal Cabinet adopted Germany's second Action Plan Action to Combat Violence against Women, a comprehensive interagency plan that contains measures to prevent and protect women from a wide range of violence, including forced marriage, trafficking, and other forms of exploitation. End Summary.

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Awareness Raising Programs  
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¶12. The government-funded Friedrich Ebert Foundation in cooperation with the German Federal Ministry of Labor and Social Conference Affairs held a workshop on effective strategies against Labor Trafficking April 19-20 in Berlin. Approximately 200 participants attended, including representatives of the federal and state governments, the International Labor Organization (ILO), political parties, unions, and both national and international NGO's involved in combating human trafficking. The aim of the conference was to present and discuss different aspects of social inclusion of trafficked persons and their relevance in combating human trafficking.

¶13. Ernst Kreuzaler, Deputy Director General for International Employment Policy of the Federal Ministry of Labor and Social Affairs, stated Germany has addressed the issue of trafficking mainly in the context of forced prostitution. While trafficking of labor migrants accounts for at least 25 percent of all cases of trafficking worldwide, Kreuzaler said, labor trafficking has not received much public attention. Although Germany introduced measures specifically criminalizing labor trafficking in 2005, he said, German authorities still lack reliable data on the actual scope of forced labor. Kreuzaler said that the German Federal Government is in the process of setting up a new national agency/office to coordinate law enforcement activities of the various authorities involved in combating trafficking, labor migration, and clandestine labor.

¶14. On June 13, members of the Federal Parliament (Bundestag) together with a number of NGOs held a conference on trafficking in Berlin. Speakers included the vice president of the Bundestag and several parliamentarians, as well as Hiltrud Breyer, a German member of the EU parliament and an adamant advocate of counter-TIP initiatives at the EU level. Family Ministry Director for the Protection of Women from

Violence Birgit Schweikert applauded the U.S. T-visa program and called on the Bundestag to adopt a similar instrument in Germany. NGOs and the Family Ministry representative called for more funding for TIP victims.

¶5. The Federal Association of Counseling Centers for Women is conducting a national campaign "Standpoints 2007 ) For a Violence-Free Life for Women." Federal Family Minister Ursula von der Leyen serves as the campaign's patron. The campaign calls on politicians, media representatives, and other public figures throughout Germany to make statements about the issue which are then published on the internet.

¶6. In November, the government-funded Association against Trafficking in Women and Violence against Women in the Migration Process (KOK), which represents 37 TIP counseling centers and NGOs in Germany, will hold its annual member meeting with a focus on labor exploitation, including an analysis of the legal situation and sharing of best practices on counseling approaches.

¶7. Publications. In October 2007, the Family Ministry published an English version of the 2007 evaluation of German legislation enacted in 2002 to improve the legal and social situation of prostitutes. A copy has been pouches to G/TIP. The Family Ministry also published a 60-page brochure available online listing benefits and services available to TIP victims in Germany. The publication is designed to explain to counseling centers and authorities the benefits that are available under German law and how to help victims apply for them. The Family Ministry has also published guidelines developed by the Federal-State Interagency Working Group on Trafficking that offer standardized modules for TIP-related training for police, counseling centers, prosecutors and judges and other authorities. The modules

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include training on victim identification techniques and best practices. The KOK also completed a study recommending the establishment of national TIP rapporteurs and a study on the situation of labor trafficking in Germany.

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Law Enforcement Measures  
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¶8. Annual TIP Report ) Law Enforcement Statistics. In August 2007, the Federal Office of Criminal Investigation (BKA) published its annual TIP Report, which includes statistics for the year 2006 on investigations, victims, and traffickers. According to the report, police concluded 353 investigations against traffickers in 2006, 11 percent more than in 2005 (317 investigations). The majority of TIP investigations included investigations for other crimes, such as alien-smuggling, violent crime, etc. The report also noted that only five of the 33 TIP investigations launched during the 2006 Soccer World Cup were actually related to the event. The report concluded that increased police presences and controls during the World Cup, as well as NGO awareness campaigns, helped to prevent an increase in TIP victims during the four-week, nationwide event.

¶9. Ninety-four percent of TIP victims identified in 2006 came from countries in Europe. In 2006, the number of Polish traffickers and victims doubled. In 2006, 775 TIP victims were registered compared to 642 victims in 2005 (an increase of 21 percent). The increase in victims corresponds to the increase in TIP investigations. Twenty-three percent (181) of victims in 2006 were German nationals, compared to 34 percent (115) in 2005. In 2006, the largest number of foreign victims identified came from the Czech Republic (155 victims compared to 11 victims in 2005), due primarily to two large-scale investigations involving Czech victims. Eight percent of all registered TIP victims were under the age of eighteen. The report also notes that solid statistics regarding labor exploitation do not exist yet due to the fact

that the relevant provisions in the Penal Code are relatively new.

According to the report, the actual number of victims continues to be much higher than the number of victims identified. The report also states it will become more difficult to identify TIP victims as the result of the ongoing opening of EU internal borders.

¶110. The BKA continued to expand and strengthen bilateral law enforcement and judicial cooperation against child sex tourism, particularly in Southeast Asia. The BKA played an instrumental role in capturing a fugitive Canadian pedophile who had committed multiple crimes over the course of several years. The BKA was able to de-code digitally-altered photos of the criminal which he had posted on the Internet.

Interpol published the BKA photos, which led to the suspect's identification and arrest.

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#### Legislative Developments and Government Programs

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¶111. Expanding Investigative Tools. The Bundestag is currently debating a bill to amend and harmonize the telephone surveillance law in accordance with EU law and to adapt provisions to Federal High Court decisions. Current legislation allows police to tap telephones in serious human trafficking cases. The draft legislation allows for telephone surveillance with regard to all trafficking crimes, including labor exploitation, as well as aiding and abetting.

¶112. Immigration Law. In August 2007, Germany adopted amendments to the immigration law to implement EU Council Directive 2004/81/EC on the issuance of residence permits to "third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration and who cooperate with the competent authorities." The draft law formally codifies the practice of granting victims a 30-day "reflection period," which was previously granted based on the basis of federal immigration regulations, vice federal statute. The Family Ministry and NGOs applauded the changes but criticize some aspects of the legislation for not being sufficiently far-reaching, especially with regard to immigration benefits and social services and benefits for TIP victims.

¶113. Federal Action Plan to Combat Violence against Women. In September 2007, the Federal Cabinet adopted a new Action Plan to Combat Violence against Women, originally proposed and drafted by the Federal Family Ministry. The Action Plan, which includes 130 measures to be implemented by a wide array of government agencies, updates and elaborates on the first

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Action Plan from 1999. The plan places special emphasis on expanding inter-connecting counseling services for women affected by violence and on strengthening cooperation between authorities and NGOs. The plan also focuses on improving the protection of migrants and lists numerous development projects abroad. Among the mandated measures, the Action Plan requires the government-funded KOK to publish a book on the status of trafficking in Germany. The Action Plan also requires the BKA and the Family Ministry to publish guidelines on how to deal with traumatized victims of trafficking and forced prostitution in order to ensure that police, judicial authorities, immigration officials, and welfare authorities are sensitized to the unique needs of trafficking victims and that authorities treat victims appropriately.

¶114. Additionally, the Action Plan requires prevention measures and efforts to raise awareness within the German armed forces. According to the Action Plan, training for military personnel in advance of deployments abroad, including UN and other peacekeeping deployments, already includes sessions focused on sexual exploitation and abuse

and other human rights issues. Unit commanders also receive special training on trafficking, including how to sensitize their subordinates to monitor and enforce compliance with relevant rules and regulations. In April, under Germany's EU presidency, Germany and Hungary conducted the first EU internal training on gender sensitivity, including trafficking, for personnel participating in European Security and Defense Policy (ESDP) missions.

**¶15. Sensitizing Judges.** The national Judges' Training Academy, which conducts trainings for judges and prosecutors throughout Germany, offered specific courses on how to handle international trafficking cases and organized crime in 2007. In 2008, the Academy will also offer training on domestic violence and child abuse, as well as how to deal with victims of sexual violence. The courses are geared toward sensitizing judges and prosecutors. The training program conforms to the new Action Plan requirements mandating sensitivity training for professionals who deal with cases of domestic violence. The Action Plan requires the Federal Justice Ministry to continue to offer related training for judges in the future.

**¶16. International Agreements.** On October 25, Germany, along with other members of the Council of Europe, signed the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. Under the Convention, which takes into account new technology and methods used by criminals, sexual exploitation and abuse of children shall be penalized in each member state. The Convention also requires stronger prevention measures. According to the Justice Ministry, Germany has already largely implemented the requirements of the Convention. Ministry officials do not expect that ratification will require significant new internal implementation measures.

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